

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TNT AMUSEMENTS, INC., d/b/a)	
PLAY-MOR COIN-OP,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23-cv-00330-JAR
)	
TORCH ELECTRONICS, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO QUASH PLAINTIFF'S
RULE 45 TRIAL SUBPONEA OR FOR PROTECTIVE ORDER**

Pursuant to Federal Rules of Civil Procedure 45(d)(3), 26(c)(1), and 16(f), Defendants respectfully move the Court to quash or otherwise prohibit the May 16, 2025, Rule 45 trial subpoena attached as Exhibit 1 to the accompanying Memorandum in Support. As more fully explained in the accompanying Memorandum in Support, the subpoena impermissibly seeks to compel a party, Torch Electronics, LLC, to produce objects at trial that Plaintiff did not obtain in discovery. This untimely effort to circumvent discovery procedures serves no purpose other than to unduly burden Defendants and unnecessarily disrupt trial. The Court should quash the subpoena. In the alternative, the Court should enter a protective order forbidding Plaintiff from seeking the productions sought by the subpoena. In the alternative to those courses of action, the Court should enter an order under Rule 16 prohibiting Plaintiff from seeking untimely discovery in violation of the scheduling order, including ordering Plaintiff to withdraw the subpoena.

WHEREFORE, Defendants Torch Electronics, LLC, Steven Miltenberger, and Sondra Miltenberger respectfully move the Court for an order quashing Plaintiff's May 16, 2025, subpoena. In the alternative, Defendants respectfully request the Court enter a protective order forbidding Plaintiff from seeking the productions sought by the subpoena. In the alternative to the

foregoing, Defendants respectfully request the Court enter an order under Rule 16 prohibiting Plaintiff from seeking untimely discovery in violation of the scheduling order, including ordering Plaintiff to withdraw the subpoena. Defendants further respectfully request any additional relief the Court deems just and proper.

Dated: May 22, 2025

Respectfully submitted,

GRAVES GARRETT GREIM LLC

By: /s/ J. Aaron Craig
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**Attorneys for Defendants Torch Electronics,
LLC, Steven Miltenberger, and Sondra
Miltenberger**

CERTIFICATE OF CONFERENCE

I hereby certify that on May 20, 2025, at 2:00pm, Aaron Craig and Chandler Carr, attorneys for Defendants, and Richard Finneran and Zoe Wolkowitz Brannon, attorneys for Plaintiff, conferred via a Zoom conference call regarding Defendants' objections to and request that Plaintiff withdraw the at issue subpoena. After sincere efforts to resolve this dispute, the attorneys were unable to reach an accord.

/s/ J. Aaron Craig
Attorney for Defendants Torch
Electronics, LLC, Steven Miltenberger, and
Sondra Miltenberger

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2025, I caused the foregoing was filed with the Court's electronic CM/ECF filing system, which automatically served counsel for Plaintiff TNT Amusements, Inc., d/b/a Play-Mor Coin-Op with a notice of filing the same.

/s/ J. Aaron Craig

Attorney for Defendants Torch
Electronics, LLC, Steven Miltenberger, and
Sondra Miltenberger